

REMARKS

No claims have been amended by this response. **The claims remaining in consideration are claims 1-8. The independent claims remaining in consideration are claims 1, 5 and 8.**

No new matter has been added by this amendment.

I. Objections to Specification

The Examiner notes that the trademark VELCRO® should be capitalized where it appears in the specification and be accompanied by generic terminology. The applicant notes that the generic terminology “hook and loop fastener material” has been used generally throughout the specification and, in particular, where the trademark VELCRO® is used. The VELCRO® trademark is used once in the specification as an example of such hook and loop fastener material. The applicant has indicated the nature of the mark with the appropriate federal registration symbol. The applicant has amended the single use of the VELCRO® trademark in the specification so that it appears in all capital letters. Therefore, the applicant requests reconsideration of this objection.

II. Claim Rejections under 35 U.S.C. § 102(b)

The Examiner has rejected claims 1-3 and 5-8 as anticipated by U.S. Patent No. 4,741,574 to Weightman et al. (“the ‘574 patent”). The applicant requests reconsideration of this rejection.

The unequivocal view of the Federal Circuit is that a single reference must teach, *i.e.*, identically describe each and every element of the rejected claim for a proper rejection under 35 U.S.C. § 102. *See Atlas Powder v. E.I. duPont*, 750 F.2d 1569, 224 U.S.P.Q. 409 (Fed. Cir. 1984). Independent apparatus claims 1, upon which claims 2-4 depend, and 8 each include the express limitation of an “outer surface including a quilted, friction-minimizing material.” Independent method claim 5 contains a step that requires the provision of such an outer surface. The ‘574 patent does not contain this limitation. This limitation is intended to address one of the stated objects of the claimed invention of minimizing friction between the seat belt and the occupant’s clothing. The combination of a quilted, relatively slick material, e.g., silk, satin, or

acetate, provides superior friction-minimizing properties over non-quilted versions of these materials and other materials.

The '574 patent refers only to the use of a materials including "strong nylon, denim or quilted cloth, fake fur, or sheepskin." The '574 patent does not suggest the use of a quilted silk, satin, or acetate material to minimize friction between the covered seat belt and the occupant's clothing. This is further evidenced by the fact that the '574 patent does not refer at all to minimizing friction between these two surfaces.

Therefore, it is clear that the '574 patent does not teach each and every element of independent claims 1, 5 and 8 and cannot support a proper rejection under 35 U.S.C. §102. Dependent claims 2-4 and 6-7 include the limitations of independent claims 1 and 5, respectively, and are, therefore, similarly allowable over the '574 patent. The applicant respectfully requests reconsideration of this rejection.

II. Claim Rejections under 35 U.S.C. § 103

The Examiner has rejected claim 4 as being unpatentable over the '574 patent in view of U.S. Patent No. 3,957,282 to Finnigan ("the '282 patent"). The applicant requests reconsideration of this rejection.

As previously discussed, the applicant believes that claim 1, upon which claim 4 depends, is patentable over the '574 patent because this reference fails to disclose an outer surface having a quilted, friction-minimizing material required by claim 1. The '282 patent is also directed to an attachment for a shoulder harness but, like the '574 patent, fails to address the use of a quilted, friction-minimizing fabric on its outer surface. The applicant respectfully asserts that the combination of the '282 patent with the '574 patent does not suggest the missing limitation. Therefore, the applicant respectfully submits that claim 4 overcomes this rejection under 35 U.S.C. §103 and is patentable over the cited combination.

III. Conclusion

Accordingly, the applicant respectfully submits that pending claims 1-8 are allowable over the cited references either alone or in combination. Therefore, the applicant submits that all claims are allowable over the prior art made of record.

All of the stated grounds of rejection and objection have been properly traversed, accommodated, or rendered moot. The applicant therefore respectfully requests that the Examiner reconsider all presently outstanding rejections and objections and that they be withdrawn. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, he is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Response is respectfully requested.

Respectfully submitted,



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